

A. G. Contract No. KR96 1682TRN
COT Contract No. 0103-97
ADOT ECS File: JPA 96-102
Project: STP-900-0(140)/H4372 01X
Section: FY96 - 97 Urban Form
Program

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF TUCSON

THIS AGREEMENT is entered into 25 October, 1996,
pursuant to Arizona Revised Statutes Section 11-952 through 11-954 as
amended, between the STATE OF, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State") and the CITY OF TUCSON, acting by and
through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 and 28-112 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The Federal Intermodal Surface Transportation Efficiency Act of 1991 has made funds available to the State for the use of the City to conduct the Urban Form Program. The State and the City desire to define their respective responsibilities relating to the transfer of up to \$47,000.00 thru the State to the City and the expenditure thereof.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>21127</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>10/25/96</u>
<u>James R. Hurl</u> Secretary of State
By <u>Vicky Greenwald</u>

II. SCOPE

1. The State will:

Provide the City federal STP funds in the amount of up to \$47,000.00, on a monthly cost reimbursement basis for activities performed relating to the Urban Form Program.

2. The City will:

a. Apply funding to project work activities in strict accordance with applicable Federal and State laws, rules and regulations.

b. Conduct related work activities generally in accordance with Attachment A, which is incorporated herein and made a part hereof. Be responsible for any claims for extra compensation.

c. Provide the required \$3,000.00 match in funds or in-kind services, and invoice the State for reimbursement no more often than monthly, supported by narrative reports, in a total amount not to exceed \$47,000.00.

III. MISCELLANEOUS PROVISIONS

1. The only interest of the Arizona Department of Transportation in this agreement is to convey federal pass through funds for the use and benefit of the City by reason of State and Federal law under which funds for the activities are authorized to be expended.

2. This agreement shall remain in force and effect until completion of said activities and reimbursements; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

3. Should the work contemplated under this agreement be completed at a lower cost than the reimbursed amount, or for any other reason should any of these funds not be expended, a proportionate amount of the funds provided shall be reimbursed to the State.

4. This agreement shall become effective upon filing with the Secretary of State.

5. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

6. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

7. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

8. All notices or demands upon any party relating to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007


City of Tucson
Transportation Director
PO Box 27210
Tucson, AZ 85726-7210


9. Attached hereto and incorporated herein is the written determination of legal counsel that the parties are authorized under the laws of this State to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF TUCSON

STATE OF ARIZONA
Department of Transportation

By 
GEORGE MILLER
Mayor

By 
JAY KLAGGE, Director
Transportation Planning

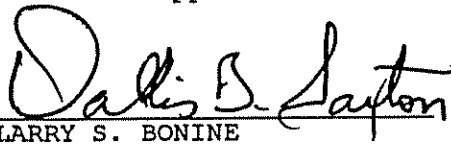
ATTEST

By 
KATHLEEN S. DETRICK
City Clerk

RESOLUTION

BE IT RESOLVED on this 26th day of July 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Tucson for the purpose of defining responsibilities for conducting the FY96 - 97 Urban Form Program.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Transportation Planning Director for approval and execution.

A handwritten signature in dark ink, appearing to read "Dallas B. Layton". The signature is written in a cursive, flowing style with a large initial "D".

for LARRY S. BONINE
Director

ADOPTED BY THE
MAYOR AND COUNCIL
OCT 7 1996

RESOLUTION NO. 17445

RELATING TO INTERGOVERNMENTAL AGREEMENTS; APPROVING AND
AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT WITH THE ARIZONA DEPARTMENT OF
TRANSPORTATION FOR FUNDING THE URBAN FORM PROGRAM
FROM INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT
OF 1991 FUNDING.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY
OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Intergovernmental Agreement with the Arizona
Department of Transportation for funding the Urban Form Program from
Intermodal Surface Transportation Efficiency Act of 1991 Funding, attached
hereto, is approved.

SECTION 2. The Mayor is hereby authorized and directed to
execute the said Intergovernmental Agreement for and on behalf of the City of
Tucson and the City Clerk is directed to attest the same.

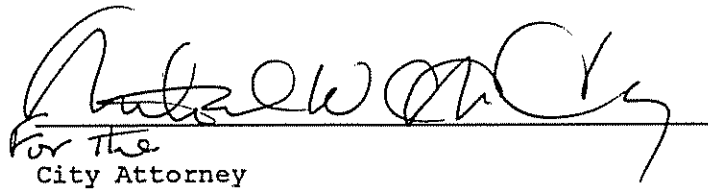
SECTION 3. The various City officers and employees are
authorized and directed to perform all acts necessary or desirable to give effect
to this resolution.

SECTION 4. WHEREAS, it is necessary for the preservation of the
peace, health and safety of the City of Tucson that this resolution become
immediately effective, an emergency is hereby declared to exist and this
resolution shall be effective immediately upon its passage and adoption.

APPROVAL OF THE TUCSON CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF TUCSON and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 24th day of September, 1996.


for the
City Attorney

CATEGORY 600 - Transportation**SUBCATEGORY 601 - Local Agency Transportation Program Support Services**

Tucson Department of Transportation
James A. Turner

Work Element: 601.08 Urban Form Program

Objective(s): Develop land-use plans and urban design concepts that promote alternative transportation modes and development leading to an urban form that reduces travel demand and improves air quality.

Product(s): Land use plans for undeveloped areas and illustrated design guidelines to guide development that results in a mix of land uses and housing types promoting pedestrian, bicycle and other alternative transportation modes. The output from this project will be transferable to other PAG jurisdictions and encourage an efficient and enhanced urban form that fosters reduced travel demand thereby improving air quality. As described in the Regional Vision for Eastern Pima County, these prototype products will "reduce dependence on the automobile and further the overall air quality goals of the region" by "project(ing) a view of desired development patterns and characteristics."

Related Work: Air Quality (104)
Transportation Improvement Program (604.01)
Major Investment Studies Protocol (602.05)

**Anticipated
Impact:**

This project will provide new land use plans and design guidelines for undeveloped areas of the City, particularly to the southeast. Determining appropriate land uses and design concepts is essential to prevent continuing urban sprawl and increasing vehicle trips. Concepts of the "new urbanism," such as transit oriented development that is connected to the region, will be explored and incorporated into plans and design guidelines to shape both public and private development. The new urbanism promotes neighborhoods that accommodate a range of household types and land uses, with street layouts and densities that make walking, bicycling and public transit viable alternatives to driving, especially for routine, everyday trips. Because of recent annexations of vacant land under single ownership (State Land), the City has an opportunity to explore new, creative land use planning alternatives.

CATEGORY 600 - Transportation**SUBCATEGORY 601 - Local Agency Transportation Program Support Services**

Tucson Department of Transportation
James A. Turner

- Task(s):**
- A. Consultation with State Lands and field trips for familiarization with newly annexed areas and potential resources.
 - B. Determination of plan area boundaries.
 - C. Establish public involvement activities.
 - D. Research and development of a planning approach, including goals and objectives of the project and planning methodologies to be utilized including the new urbanism concepts.
 - E. Hire consultants to (1) conduct an inventory of the area; (2) produce an illustrated land use plan; and (3) produce design guidelines to guide development in the planning area.

FUNDING SOURCE	AMOUNT	RESPONSIBLE AGENCY	COST	APPROX. PERSON MONTHS
SIP	47,000	TDOT	50,000	12
LOCAL	3,000			
TOTAL	50,000	TOTAL	50,000	



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

GRANT WOODS
ATTORNEY GENERAL

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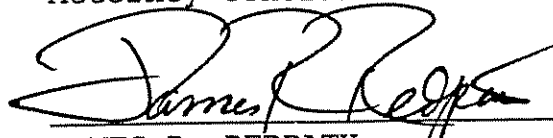
INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR96-1682-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 18th day of October, 1996.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
[1718]